

REMARKS

[0002] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-6, 35-39, 42-45, 55, 58 and 59 are currently pending
- Claims 7, 9, 30-33, 40 and 56 are canceled herein
- Claims 1-6 and 58 are amended herein

Allowed Claims

[0003] The Office Action indicates that claims 9, 35-39, 42-45, 55 and 59 are allowable. Applicant would like to thank the Examiner for allowing claims 9, 35-39, 42-45, 55 and 59. Claims 35-39, 42-45, 55 and 59 have not been amended herein, and therefore remain in condition for allowance.

Claim Objections

[0004] Claims 7, 33, 40 and 56 stand objected to as allegedly failing to limit the subject matter of the previous claim. Without conceding the propriety of these objections, Applicant submits these objections are moot in light of the cancelation of claims 7, 33, 40 and 56.

Claims 30-33 Comply With § 112 1st Paragraph

[0005] Claims 30-33 stand rejected under 35 U.S.C. § 112, ¶ 1, as allegedly failing to comply with the enablement requirement. Applicant respectfully traverses these rejections. Moreover, for the sole purpose of expediting an allowance in this matter and

without commenting on the propriety of the Office's rejections, Applicant cancel claims 30-33 herein thereby rendering the § 112, ¶ 1 rejections moot.

Claims 1-7 and 58 Recite Statutory Subject Matter Under § 101

[0006] Claims 1-7 and 58 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses these rejections. Moreover, for the sole purpose of expediting an allowance in this matter and without commenting on the propriety of the Office's rejections, Applicant amends independent claim 1 by incorporating the allowable subject matter of claim 9. Applicant respectfully submits that this amendment renders the § 101 rejections moot.

Conclusion

[0007] Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

/Jacob Rohwer 61229/
Jacob P. Rohwer
(jacob@leehayes.com; 206-876-6004)
Registration No. 61229

Dated: 7/23/2009

Bea Koempel-Thomas
(bea@leehayes.com; 509-944-4759)
Registration No. 58213